

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

TERESA ANN JOHNSON,	§	
	§	
Plaintiff,	§	
	§	
V.	§	No. 3:16-CV-2213-M
	§	
OCWEN LOAN SERVICING LLC,	§	
AND WELLS FARGO BANK,	§	
NATIONAL ASSOCIATION, AS	§	
TRUSTEE FOR PARK PLACE	§	
SECURITIES, INC., ASSET-BACKED	§	
PASS-THROUGH CERTIFICATES,	§	
SERIES 2005-WLLI,	§	
	§	
Defendants.	§	

**ORDER ACCEPTING IN PART AND REJECTING IN PART
FINDINGS, CONCLUSION, AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

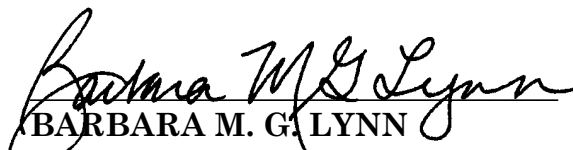
After making an independent review of the pleadings, files, and records in this case, and the Findings, Conclusions, and Recommendation of the United States Magistrate Judge dated November 16, 2017, the Court concludes that the Findings, Conclusions, and Recommendation of the Magistrate Judge are correct as to Defendants' Objections to, and Motion to Strike, Plaintiff's Evidence in Support of her Opposition to Defendants' Motion for Summary Judgment [Dkt. No. 29] and as to Defendants' Motion for Summary Judgment [Dkt. No. 16] on Plaintiff Teresa Ann Johnson's claims under the Real Estate Settlement Procedures Act and under the Texas Debt Collection Act, Texas Finance Code §§ 392.304(a)(8) and 392.304(a)(19), and they are accepted as the findings and conclusions of the Court.

But the Court concludes that Defendants Ocwen Loan Servicing LLC and Wells

Fargo Bank, National Association, as Trustee for Park Place Securities, Inc., Asset-Backed Pass-Through Certificates, Series 2005-WLLI, satisfied their initial burden in moving for summary judgment on Plaintiff Teresa Ann Johnson's Texas Debt Collection Act claim under Texas Finance Code § 392.301(a)(8) based on Defendants' argument as to Ms. Johnson's lack of actual damages.

IT IS, THEREFORE, ORDERED that the Findings, Conclusions, and Recommendation of the United States Magistrate Judge are accepted in part and rejected in part. The Court **OVERRULES** Defendants' Objections to, and Motion to Strike, Plaintiff's Evidence in Support of her Opposition to Defendants' Motion for Summary Judgment [Dkt. No. 29]. The Court **GRANTS** in part and **DEFERS RULING** in part on Defendants' Motion for Summary Judgment [Dkt. No. 16]. Specifically, the Court **GRANTS** Defendants' Motion for Summary Judgment on Ms. Johnson's claims under the Real Estate Settlement Procedures Act and under the Texas Debt Collection Act, Texas Finance Code §§ 392.304(a)(8) and 392.304(a)(19), and **RE-REFERS** to the United States Magistrate Judge Defendants' Motion for Summary Judgment on Ms. Johnson's claim under the Texas Debt Collection Act, Texas Finance Code § 392.301(a)(8), for entry of an amended findings, conclusions, and recommendation on that part of the motion consistent with this Order and based on the parties' existing briefing.

SO ORDERED this 4th day of January, 2018.


BARBARA M. G. LYNN
CHIEF JUDGE